

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

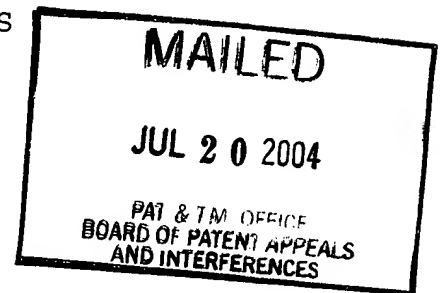
Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte TIMOTHY ROY BLOCK  
and ROBERT MILLER

Application No. 09/173,090



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On November 18, 2003, appellants filed a amendment to claims 1-63 (Paper No. 13). The Examiner's Answer mailed December 15, 2003 stated that the amendment had been considered and entered. It is noted that the language of claims 1-63 in the Appendix to the Appeal Brief differs from its last amended version. 37 CFR § 1.192(c)(9)(1997) requires that the Appendix to the Appeal Brief contain a correct copy of the claims involved in the appeal.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to notify appellants to submit a corrected Appendix to replace the existing defective Appendix, or for the examiner to issue a supplemental Examiner's Answer to officially correct the Appendix, and for any further action as may be appropriate.

. It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read "Dale M Shaw", written over a horizontal line.

DALE M. SHAW  
Program and Resource Administrator  
(703) 308-9797

DMS/dal  
RA04-0642

Application No. 09/173,090

Page 3

STEVEN W. ROTH  
IBM CORPORATION  
3605 HIGHWAY 52 NORTH  
DEPARTMENT 917  
ROCHESTER MN 55901-7829